IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

W.P. NO. 1071 (MS) OF 2004

Lal Singh ……Petitioner

Versus

State and Others. …….Respondents.

Hon'ble Rajesh Tandon, J.

Abdul Wahid, counsel for the petitioner has prayed for a writ of mandamus directing the respondents not to evict the petitioner through police force.

Briefly stated, the petitioner has submitted that he is a tenant of room no. 4 and using as a shop in Harihar Peeth Ashram Laxman Jhula, Haridwar at the rate of Rs. 850/-.

Petitioner has stated that he has made an application to the police authorities on 15th July, 2004 but the police authorities are not paying any attention to the application filed by the petitioner.

If the petitioner is a tenant, the proceedings under the Rent Control Act will be initiated against him. The petitioner has to prove that he is a tenant, the factual aspect can be looked into by the Civil Court not under Article 226 of the Constitution of India.

Liberty is given to the petitioner to approach the Civil Court by filing an injunction suit or take any other appropriate remedy. The

Police authorities may investigate into the matter, if the petitioner approaches to the police authorities.

No interference can be made under Article 226/227 of the Constitution of India as the alternative remedy being available to the petitioner of approaching the civil court.

In view of the aforesaid observation, the writ petition is disposed of.

03.11.2004 (RAJESH TANDON J.)

P.S.R.